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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,355	10/21/2003	Tomas Earl Palmer	08223/0200098-US0	6645
7278	7590	12/13/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER HA, LEYNNA A	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/691,355

Applicant(s)

PALMER, TOMAS EARL

Examiner

LEYNNA T. HA

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, ~~the proposed amendment(s) a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-47

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 11. does NOT place the application in condition for allowance because: claims 1-47 remains rejected over McDonough in view of Zdepski.

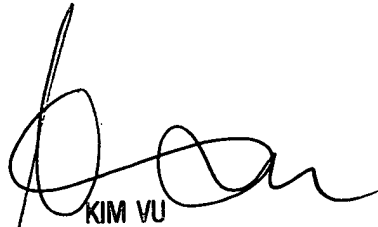
Examiner traverses the argument on pg.4 that McDonough does not teach or suggest selecting a direction...based on the generated bit sequence. McDonough on Col.10, lines 45-63, the memory location data is selected that corresponds to the data of the stored data sequence and counter data is selected that corresponds to the data of a stored data sequence. To better understand this citation, the claimed invention is discussed throughout McDonough.

McDonough discloses bits associated with a pseudorandom noise (PN) sequence are stored in a memory (col.5, lines 42-45). A data sequence generator includes a memory, timing generator, and a counter. The counter provides a memory address to select particular data of the store data sequence and generates a plurality of address in accordance with the sequential manner in which the data is stored (col.7, lines 10-16 and 47-48). The counter comprises a counter that counts at chip rate and rolls over at the length of the PN sequence and comprises at least N-bit counter for generating a PN sequence of length $2(n)$ (col.8, lines 11-20). This reads on the generating a bit sequence. The claimed bits from n-dimensional entity is given as bits of data sequence data sequence (col.8, lines 42-44). McDonough discloses that data sequences correspond to PN sequences or a walsh code sequence associated with the PN sequence (col.9, lines 48-55 and col.10, lines 39-40). Thus, when McDonough discloses data of a stored data sequence that corresponds to the memory location data is selected (col.10, lines 44-46) and data of a stored data sequence that corresponds to the selected counter data is selected (col.10, lines 55-58), suggests the ability to select a direction within the data sequence (n-dimensional entity) based in part on the generated bit sequence (PN sequence) as in claim 1. Because the selected data and counter data of McDonough refers to a memory location and address of a particular data of the data sequence that corresponds to PN sequence. In addition, the claimed selecting a direction does not particularly define a direction within the n-dimensional entity. Specification (pg.2, lines 8-10) discusses the n-dimensional entity is populated with bits from a pseudo-random number generator and plaintext is bitwise translated to a direction. Thus, a direction within the n-dimensional can broadly be interpreted as referring to a particular data bit within the random bits or pointing to a location of the bit amongst the random bits. McDonough also discusses a particular component requesting for particular bits of a particular data sequence (col.15, lines 58-60), the proper row of the column information must be selected to obtain the proper walsh sequence chip (col.16, lines 28-30), and using a bit-by-bit exclusive-or operation between the well known walsh sequences and certain masking functions of the same length where the selector receives the finger index selects the bit of the appropriate masking function corresponding to the finger index (col.16, lines 53-65 and col.17, lines 1-20). This also obviously suggests the claimed selecting a direction within the n-dimensional based on the generated bit sequence.

The argument on p.5-6, is traversed where McDonough does not suggest determining an offset between a cursor position and a match bit within the n-dimensional entity. Specification (pg.11), vaguely explains the cursor position may be converted into a count of the number of pseudo-random numbers that are employed to substantially the same view under the cursor position and specification further discusses a cursor normalizer. Based on the specification and the claimed, a cursor position is broad where the cursor position is not specific or limited to what constitute the claimed cursor position. Thus, the counter data or counter value of McDonough (col.9, line 58 – col.10, line 3) reads closest based on the specification.

The argument on p.7-9,

McDonough discusses changing the generated bit sequence with the determined offset and encoding the signals appropriately but did not provide further the limitation by inserting the determined offset into bit sequence within an encoded data string. It would have been obvious for a person of ordinary skills in the art to combine the teaching of McDonough with Zdepski teaching inserting the determined offset into bit sequence within an encoded data string because one or more byte offsets indicating locations of each of the one or more slices, preferably pointers to the slice start codes, in the compressed insert picture (Zdepski - col.17, lines 35-65) where this multiplexed stream can then be transmitted to one or more subscriber televisions (Zdepski - col.19, line 57 – col.20, line 4). As per dependent claims, they are rejected by virtue of their dependency.


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